

REMARKS

Claims 1-7, 11, 12, 14-17, 19-27, 29-38 and 41-44 were pending and were rejected. Claims 8-10, 13, 18, 28, 39 and 40 were pending and were objected to. Claims 1-44 remain active in the application. Reconsideration and allowance of the present application is respectfully requested in light of the following remarks.

Response to Rejections

Original claims 1-4, 6, 7, 11, 15-17, 19, 22-27, 29, 32-38, 41 and 42 were rejected under 35 U.S.C. §102(e) as being anticipated by Wynne (U.S. Pat. App. 2003/0016686 A1). Claims 5, 12, 14, 20, 30, 43 and 44 were similarly rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne in view of Tran (U.S. Pat. App. 2003/0084246 A1). Applicants respectfully traverse these rejections on the grounds that the references are not prior art to the instant application.

Wynne and Tran are published U.S. Patent Applications with a publication date after Applicants' filing date, and a filing date of July 18, 2001, prior to Applicants' November 16, 2001, filing date. Wynne and Tran are therefore presented as prior art under the provisions of 35 U.S.C. §102(e).

Applicant submitted, along with the response to the September 21, 2005, Office Action, a declaration under the provisions of 37 C.F.R. §1.131. The Examiner stated in the March 8, 2006 Final Office Action that the declaration was ineffective to remove Wynne and Tran as references, and supplied a list of what the Examiner regarded as deficiencies in the declaration. Applicant argued against these deficiencies. In the Advisory Action of June 28, 2006, the Examiner agreed to withdraw all but the sixth and seventh objections. Applicant now files a Request for Continued Examination and another inventor declaration that further clarifies the functionality of the device reduced to practice.

Sixth Objection to Declaration

The Examiner stated "with respect to items 5 and 6 of applicant's declaration and Exhibit A, it is unclear where the claimed subject matter is supported in the Exhibits. In particular, the examiner found no evidence that Exhibit A teaches at least an input for receiving packets of data,

each packet associated with an output queue or equivalent. Specifically, section 3.2 on page 3 does not teach that each packet is associated with an output queue.”

Mr. Chung has included several additional pages from the Cougar Specification in Exhibit A to his Second Declaration, including pages describing the format of a Force10 (“F10”) proprietary header that was prepended to each packet prior to sending that packet over the C-port Interface to the Cougar ASIC. (Chung 2nd Decl., ¶¶ 6-7.) These pages indicate that the F10 header includes a Switch Fabric Port ID and Queue pointer that associate the packet with one of the Cougar Virtual Output Queues. (*Id.*, ¶ 7.) Thus the front-end C-port interface of the Cougar ASIC is an input that receives packets of data associated with an output queue.

Mr. Chung further describes how the F10 header SFPID and QP are used to create a memory management unit input signal on the Cougar ASIC that indicates the proper VOQ for the packet. (*Id.*, ¶¶ 8-10.)

Seventh Objection to Declaration

The Examiner stated “the examiner found no evidence that Exhibit A teaches at least an intermediate storage facility manager configured to assign particular blocks of the intermediate storage facility *to output queues, and store one or more packet associated with output queues into blocks assigned to those output queues* or equivalent for the same reasons as mentioned above.”

The memory management unit (MMU) described for the Cougar ASIC performs the claimed functions of the intermediate storage facility manager. The figure on page 8 of declaration Exhibit A shows one example of the MMU having assigned blocks of an intermediate storage facility (a queue memory) to three output queues, and storing five packets into blocks associated with the three output queues. (Chung 2nd Decl., ¶ 11.)

In conclusion, Applicant respectfully requests that the Examiner reconsider the objections presented to the declaration. Applicants literally built a working embodiment of the claimed device prior to July 18, 2001, as is sufficiently supported, according to guidance from the Manual of Patent Examining Procedure, by the declaration and attached exhibits.

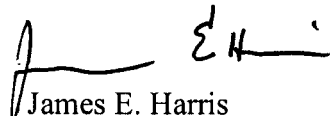
Response to Objections

Claims 8-10, 13, 18, 28, 39 and 40 were pending and were objected to as being dependent upon a rejected base claim. For the aforementioned reasons, the base claims from which claims 8-10, 13, 18, 28, 39 and 40 depend are patentable over the art of record. Applicants respectfully request that the instant objections be withdrawn.


Conclusion

For the foregoing reasons, Applicants respectfully request allowance of claims 1-44 as presently constituted. The Examiner is encouraged to telephone the undersigned at 512.867.8502 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,


James E. Harris
Registration No. 40,013

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HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512.867.8502
Facsimile: 512.867.8663
ipdocketing@haynesboone.com

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	Susan C. Lien